



PATENT
Attorney Docket No. BBC-128/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Carl M. Mendel et al.

EXAMINER: R. Cook
ART UNIT: 1614

APPLICATION NO.: **10/828,607**

FILED: **April 21, 2004**

FOR: **Treatment of Fibromyalgia**

Mail Stop Request for Continued Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION NO.: **10/828,607**:

I hereby certify under 37 CFR 1.10 that this
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Date of Deposit March 23, 2006

Lisa Rasmussen
Lisa Rasmussen

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Sir:

PRELIMINARY AMENDMENT

On December 20, 2005 the undersigned received a telephone call from Examiner Cook asking whether a Reply was sent in response to the Final Office Action (hereinafter "instant Office Action") mailed June 17, 2005. Applicants have no record of receiving the instant Office Action.

Applicants filed a Petition to Revive Unavoidably Abandoned Application under 37 C.F.R. §1.137(a) on January 17, 2006. On March 10, 2006 the United States Patent Office dismissed the above-identified Petition to Revive Under 37 C.F. R. §1.137(a). Accordingly, Applicants herewith petition to revive the instant application under 37 C.F. R. §1.137(b) and are simultaneously filing a Request for Continued Examination. The instant Request for Continued Examination is timely filed.

A complete listing of the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.